IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13177 of 2004

Between:

B.Shiva Kumar S/o.B.Jagannadham, Aged about 36 years,
Occu:Junior Assistant (u/s), R/o Chaitanyapuri, Hyderabad.

..... PETITIONER

AND

1.The Managing Director, The Hyderabad Agricultural Co-op.

Association Limited, D.No.5-10-193, 2nd Floor, HACA Bhavan,

Opp: Public Gardens, Hyderabad-4.
2.The Assistant Director of Agriculture-cum-Inquiry Officer, HACA

Bhavan, Opp: Public Garden, Hyderabad.
3.The Station House Officer, Saifabad Police Station, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action on the part of the Respondents No.1 and 2 herein in not furnishing the bills and indents and such other connected documents for the period from May, 1997 to 30.05.2003 relating to the groceries sales counter including the unilateral action to go ahead with the enquiry pursuant to Memo No.HACA/2003 dated 7-7-2004 issued by the Respondent No.2 read with the notice bearing Rc.No.HACA/Estt/2004/150 dated 25-5-2004 herein as being arbitrary, discriminatory, bad in Law, void and unconstitutional and opposed to the Constitutional guarantees embodied in Articles 14,15,19 and 21 of the Constitution of India and consequently direct the Respondent No.3 herein to seize the records pertaining to the alleged commission of irregularity so as to bring the real culprits involved in the alleged charge.

Counsel for the Petitioner: MR.S.TULASI DAS.

Counsel for the Respondents: GP FOR COOPERATION.

The Court made the following :

-

-

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.13177 OF 2004

ORDER:

The petitioner is working as Junior Assistant in the first respondent-Society. Disciplinary action was initiated against him on the ground that there was deficit of stock worth Rs.6,54,542.30ps occurred during the term of the petitioner at the sales counter. The petitioner contends that he made a request to the first respondent on 16.06.2003 to permit him to verify the books of accounts and he was permitted to verify those records personally and on perusal of the records, he noticed some fraud. Subsequently, he made a written requisition on 22.07.2003 to the first respondent to furnish the copies of documents pertaining to groceries section from 1997 to 2003 during which period the petitioner worked in the sales counter. The first respondent instead of furnishing the documents required by him, furnished the copies of documents mentioned in the letter dated 01.06.2004.

The learned counsel appearing for the petitioner submits that the petitioner requires the following documents:

1.Purchase Bills from May, 1997 to April, 2003.

2.Payment Receipts of A.P.G.S.T. for the same period.

The learned counsel appearing for the respondents opposed for furnishing all the documents irrespective of their relevancy for the purpose of enquiry and submitted that the petitioner can have the copies of such documents, which he suspected to be overwritten or corrected.

The respondents 1 and 2 are therefore, directed to permit the petitioner once again to inspect the above mentioned two sets of documents and to note down the particulars of the documents where he suspects the overwriting or corrections and submit a list of such documents to respondents 1 and 2. On submission of such list, respondents 1 and 2 shall furnish the certified Xerox copies of those documents at his cost.

The petitioner is directed to participate in the enquiry for its completion at the earliest time and the Enquiry Officer shall complete the enquiry within three months from the date of receipt of a copy of this Order. The respondents 1 and 2 shall also take appropriate steps for payment of the subsistence allowance during the period of suspension as per Rules.

The Writ Petition is accordingly disposed of at the stage of admission. No order as to costs.

_____

(DR.G.YETHIRAJULU,J)

Date:29th July, 2004.

CS

NOTE:

Issue C.C. in four days.

(B/O)

CS

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Managing Director, the Hyderabad Agricultural Co-op.

Association Limited, D.No.5-10-193, 2nd floor, HACA Bhavan,

Opp: Public Gardens, Hyderabad.-4.

2.The Assistant Director of Agriculture-cum-Inquiry Officer, HACA

Bhavan, Opp: Public Garden, Hyderabad.

3. The Station House Officer, Saifabad Police Station, Hyderabad.

4. Two C.Cs. to the Government Pleader for Cooperation, High

Court Buildings, Hyderabad (O.U.T.)

5. Two C.D. copies.